

**SEP 18 2006**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LANNY W. BUEHL,

Defendant - Appellant.

No. 06-30049

D.C. No.

CR-93-015-GF-SEH

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Sam E. Haddon, District Judge, Presiding

Submitted September 14, 2006\*\*  
Portland, Oregon

Before: SILVERMAN and GOULD, Circuit Judges, and RHOADES\*\*\*, District  
Judge.

The sentenced imposed by the district court for violation of defendant's

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\* This disposition is not appropriate for publication and may not be cited to or  
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without oral  
argument. See Fed. R. App. P. 34(a)(2).

\*\*\* Honorable John S. Rhoades, Sr., Senior United States District Judge for  
the Southern District of California, sitting by designation.

supervised release is authorized by Johnson v. United States, 529 U.S. 694 (2000).

There is no basis for distinguishing Johnson, and we are not at liberty to question

Johnson's holding. Moreover, it does not violate due process principles to apply

Johnson here. See United States v. Newman, 203 F.3d 700, 702-3 (9th Cir. 2000)

(explaining that due process only limits the retroactive application of judicial

decisions "enlarg[ing] the scope of criminal liability").

AFFIRMED.